

REMARKS

The Office Action mailed on June 1, 2007, has been reviewed and the comments of the Patent and Trademark Office have been considered. Prior to this paper, claims 1-11 and 15-17 were pending in the present application. By this paper, Applicant cancels claim 17, and does not add any claims. Therefore, claims 1-11 and 15-16 are now pending in the present application.

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

Indication of Allowable Subject Matter

Applicant thanks Examiner Boehler for the indication that claim 17 contains allowable subject matter. In reliance on this indication, Applicant has amended each of the independent claims to recite the explicit language or analogous language recited in claim 17.

Rejections Under 35 U.S.C. § 102

Claims 1, 6, 7, 9, 15 and 16 stand rejected under 35 U.S.C. §102(e) as being anticipated by Mould (United States Patent Application Publication No. 2003/0158642). In response, in order to advance prosecution, and without prejudice or disclaimer, Applicant has incorporated the recitations of claim 17 into claim 1 (effectively placing claim 17 into independent form). As claim 17 was indicated as containing allowable subject matter, and as claims 6, 7, 15 and 16 depend from claim 1, Applicant respectfully submits that the rejections of claims 1, 6, 7, 15 and 16 are now moot.

Regarding claim 9, Applicant has incorporated the language of claim 17, albeit in means-plus-function terminology, into claim 9, and thus Applicant submits that the rejection of claim 9 is now moot for the same reasons that mooted the rejection of claim 1.

Specifically, claim 9 now claims the subject matter presumed to be recognized by the PTO to impart patentability onto claim 17.

Claim Rejections Under 35 U.S.C. §103(a)

In the Office Action, claims 2-5, 8, 10 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mould in view of Adler (U.S. Patent No. 5,469,928). In response, in order to advance prosecution, and without prejudice or disclaimer, Applicant has added the language of claim 17 into claims 2, 3, 4 and 5, and amended claim 8 to be consistent with the recitations presumed to be recognized by the PTO which render claim 17 allowable. As claim 10 depends from claim 1, and claim 11 depends from claim 9 (claims 1 and 9 being allowable for the reasons detailed above), Applicant respectfully submits that the rejections of claims 2-5, 8, 10 and 11 are now moot in view of the indication that former claim 17 contained allowable subject matter.

* * * * *

Applicant respectfully submits that claims 2-5, 8, 10 and 11 were allowable even before the above amendments to claims, as sufficient motivation to modify / combine the prior art has not been established. Specifically, the first requirement of MPEP § 2143, which is that “there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings,” was not met.

The assertions regarding the teachings of Adler, even if true, do not provide motivation to modify Mould to arrive at the invention taught in any of the claims rejected as obvious. The mere fact that a system individual wheel motors for precisely controlling drive distribution may have (*arguendo*) been desirable, and the mere fact that decreasing electric power assist in proportion to an assist provided to the motors so as to avoid oversteering of a vehicle may have been known does not provide sufficient motivation to modify Mould to include the missing claimed features.

Moreover, the proffered motivation to modify Mould, at best, has applicability to only dependent claims 10 and 11 - the only claims that recite wheel motors / wheel drive means.

Regardless, with the amendments to the claims presented above, the claims are allowable for reasons consistent with the rationale which led the PTO to indicate that former claim 17 (now claim 1) is allowable.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

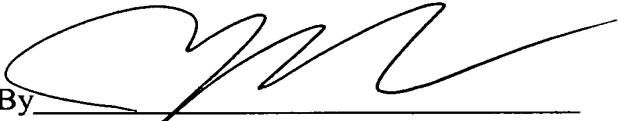
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Examiner Boehler is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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